



Erin O'Leary  
Grace Song  
77 Water Street, Suite 2100  
New York, New York 10005  
Erin.oleary@lewisbrisbois.com  
Grace.Song@lewisbrisbois.com  
~~Direct: 646.666.7706~~

October 14, 2024

**VIA ECF**

Magistrate Judge Steven Locke  
100 Federal Plaza  
Courtroom 820  
Central Islip, NY 11722

Re: The Law Offices of Erica Yitzhak, et. al. v. Lambe, et. al.  
Case No. 2:24-cv-03552

Dear Judge Locke:

We write on behalf of Respondent Paul Verner to request the formal sealing of Exhibit 2 (ECF Doc. No. 23-2) and Exhibit 4 (ECF Doc. No. 23-4) to the Status Report and Declaration of Paul Verner (ECF Doc. No. 23). On October 8, 2024, Mr. Verner filed his Declaration with supporting exhibits and inadvertently filed his IOLA account records without proper redactions<sup>1</sup> which contain confidential information that should not be available to the public.

By way of background, pursuant to the Court's prior directives, on October 7, 2024, we made a supplemental production of discovery to establish that Mr. Verner's earned attorney fees were deducted from Mr. Lambe's settlement and Mr. Lambe's portion was dispersed from Mr. Verner's IOLA account to Mr. Lambe and/or Mrs. Lambe. The supplemental production included the redacted IOLA account bank records – the same records that were inadvertently filed without the redactions by Mr. Verner directly. By October 9, 2024, Mr. Weinstein had in his possession *both* the unredacted and redacted versions of Mr. Verner's IOLA account records. Instead of immediately advising the undersigned of the inadvertent filing or error, and thereby complying with the September 16, 2024 Order to maintain the records for "attorneys' eyes only", Mr. Weinstein immediately filed a letter motion for contempt quoting information from the unredacted IOLA account records and filing the same on the public record

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<sup>1</sup> We are informed that Mr. Verner had difficulty clearing the first set of redacted documents with Pacer and the redactions were apparently stripped when the .pdf program subsequently removed "coding". He did not discover this error until the letter motion for contempt was filed.

Magistrate Judge Steven Locke  
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Page 2

While Respondent maintains that the supplemental production of October 7, 2024 clearly established that all of the Lambe and Verner funds had been disbursed to a zero balance as of January 2020, now with the inadvertent filing of the unredacted records, there is no question as to the lack of existence of funds to which Petitioner claims to be entitled. As such, Mr. Weinstein's letter motion for contempt is completely misplaced as he received exactly what he has been looking for and in the form which he had been seeking – the Wells Fargo IOLA records. Given the above, it is quite puzzling as to why counsel would file the letter for contempt and raises questions as to his true motive in relentlessly seeking a more discovery and a turnover of funds that are simply no longer in Mr. Verner's account as the same were rightfully distributed more than four years ago.

Accordingly, we request the formal sealing of Exhibit 2 (ECF Doc. No. 23-2) and Exhibit 4 (ECF Doc. No. 23-4) to the Status Report and Declaration of Paul Verner (ECF Doc. No. 23) as well as permission to file a redacted version that was produced on October 7, 2024. A proposed redacted copy is attached.

We thank the Court for its time and consideration in this regard.

Respectfully yours,

*/s/ Erin O'Leary*

Erin O'Leary for  
LEWIS BRISBOIS BISGAARD &  
SMITH LLP

Respectfully yours,

*/s/ Grace Song*

Grace Song for  
LEWIS BRISBOIS BISGAARD & SMITH LLP

**Song, Grace**

---

**From:** Song, Grace  
**Sent:** Monday, October 7, 2024 11:42 PM  
**To:** Lloyd Weinstein; Danielle Creegan  
**Cc:** O'Leary, Erin; Paul Verner; Song, Grace  
**Subject:** The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash  
**Attachments:** Yitzhak - EAO Declaration iso Quash FINAL.pdf; Yitzhak - NOM Motion to Quash Subpoena FINAL.pdf; Yitzhak - MOL iso Motion to Quash Subpoena FINAL(146800565.1)(PV edit)(146905073.1).pdf; Exhibit B - Motion to Quash - Supplemental Disclosure FINAL.pdf; Yitzhak - Exhibit A to EAO Declaration Quash.pdf; Exhibits A-K to Verner's Declaration.pdf; 2024-10-7 Declaration of PWV w Doc Production FINAL.pdf

Dear Lloyd,

Please see attached Respondent's Notice of Motion, Memorandum of Law to Quash Subpoena, declarations, and supporting exhibits. Please let us know if you have any issues viewing the attachments.

Sincerely,

Grace

**Grace Song**

**Attorney**

New York

646.666.7706 or x2127706

**Song, Grace**

---

**From:** Song, Grace  
**Sent:** Monday, October 7, 2024 11:56 PM  
**To:** Lloyd Weinstein; Danielle Creegan  
**Cc:** O'Leary, Erin; Paul Verner; Song, Grace  
**Subject:** RE: The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash  
**Attachments:** 2024-10-7 Trust Journal SLIM VERSION.pdf

Dear Lloyd,

Also attached is the Trust Journal in support of Respondent's Declaration.

This is being sent separately to avoid exceeding the maximum file size limit with the other attachments in my previous email. Please let us know if you have any issues opening/viewing the attachments.

Thank you for your time.

Sincerely,  
Grace

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**From:** Song, Grace <Grace.Song@lewisbrisbois.com>  
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**To:** Lloyd Weinstein <ljlw@theweinsteingroup.net>; Danielle Creegan <dc@theweinsteingroup.net>  
**Cc:** O'Leary, Erin <Erin.OLeary@lewisbrisbois.com>; Paul Verner <pwverner@vernerlaw.com>; Song, Grace <Grace.Song@lewisbrisbois.com>  
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**To:** Song, Grace  
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Again, I ask you to point me to the page(s) in the submission which shows Mr. Verner transferring **all of the** funds out of the IOLA account. Based upon my review, he has failed to do so which indicates the funds remain in the account.

Absent you showing me a page/pages to look at, my client will proceed as previously outlined.

Cordially,  
Lloyd.

On Tue, Oct 8, 2024 at 3:59 PM O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)> wrote:

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Mr. Verner prepared a detailed Trust Ledger with Declaration and the produced Well Fargo Banck records reflecting all account numbers and wire transfers to the Lambes. He further established that his attorneys' fees were depleted in January 2020 and any funds previously held were his attorneys' fees and Retainer Deposits for other litigation. It is clear, that he holds no funds belonging to Mr. Lambe or his companies and in fact Mr. Lambe owes him money.

The goal of this turnover action was to confirm whether any moneys were held by Mr. Verner. Mr. Verner's supplemental responses of yesterday establish just that -- nothing remains in escrow.

If something remains unclear as to the zero balance, please let me know.

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Partner

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**Cc:** Danielle Creegan <[dc@theweinsteingroup.net](mailto:dc@theweinsteingroup.net)>; O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)>

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**Song, Grace**

---

**From:** Lloyd Weinstein <ljlw@theweinsteingroup.net>  
**Sent:** Tuesday, October 8, 2024 5:06 PM  
**To:** O'Leary, Erin  
**Cc:** Song, Grace; Danielle Creegan  
**Subject:** Re: The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash

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Erin:

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He failed to pay his accountants for services rendered and when my client was exhausted by his gamesmanship, my firm was retained to sue him for non-payment. He can tell you how the matter concluded. I will be sure to let the Court know how he and I previously met in the forthcoming letter motion.

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**Sent:** Tuesday, October 8, 2024 2:58 PM  
**To:** Song, Grace <[Grace.Song@lewisbrisbois.com](mailto:Grace.Song@lewisbrisbois.com)>  
**Cc:** Danielle Creegan <[dc@theweinsteingroup.net](mailto:dc@theweinsteingroup.net)>; O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)>  
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**Sent:** Tuesday, October 8, 2024 5:41 PM  
**To:** O'Leary, Erin  
**Cc:** Song, Grace; Danielle Cregan  
**Subject:** Re: The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash

EXTERNAL

Will you show me the pages which show all of the money was transferred?

On Tue, Oct 8, 2024 at 5:26 PM O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)> wrote:

Hi Lloyd,

Mr. Verner, an officer of the court, has provided clear documentation as to his entitlement to the balance of fees and that there is no balance in his account from the related to the Lambe action. Given his detailed accounting with supporting retainer agreements, bank records, emails from clients and confirmation of amounts owed in attorney's fees etc., he does not agree that he needs to show his private bank records reflecting transfers to himself. He is aware of the court's orders and maintains that he is full compliance as is outlined in his status report filing of today.

His position is steadfast. Please proceed as you deem necessary.

Erin



**Erin O'Leary**  
**Partner**  
[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)  
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I confirm that you are refusing to respond. I will point out the deficiencies to the court and my efforts to avoid motion practice.

I remain available if you want to discuss this matter

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**Partner**  
[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)

**T: 212.232.1408 F: 212.232.1399**

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**From:** Lloyd Weinstein <[ljlw@theweinsteinsteingroup.net](mailto:ljlw@theweinsteinsteingroup.net)>  
**Sent:** Tuesday, October 8, 2024 5:41 PM  
**To:** O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)>  
**Cc:** Song, Grace <[Grace.Song@lewisbrisbois.com](mailto:Grace.Song@lewisbrisbois.com)>; Danielle Creegan <[dc@theweinsteinsteingroup.net](mailto:dc@theweinsteinsteingroup.net)>  
**Subject:** Re: The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash

EXTERNAL

Will you show me the pages which show all of the money was transferred?

On Tue, Oct 8, 2024 at 5:26 PM O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)> wrote:

Hi Lloyd,

Mr. Verner, an officer of the court, has provided clear documentation as to his entitlement to the balance of fees and that there is no balance in his account from the related to the Lambe action. Given his detailed accounting with supporting retainer agreements, bank records, emails from clients and confirmation of amounts owed in attorney's fees etc., he does not agree that he needs to show his private bank records reflecting transfers to himself. He is aware of the court's orders and maintains that he is full compliance as is outlined in his status report filing of today.

His position is steadfast. Please proceed as you deem necessary.

Erin



Erin O'Leary  
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**From:** Lloyd Weinstein <[ljw@theweinsteinigroup.net](mailto:ljw@theweinsteinigroup.net)>

**Sent:** Tuesday, October 8, 2024 5:06 PM

**To:** O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)>

**Cc:** Song, Grace <[Grace.Song@lewisbrisbois.com](mailto:Grace.Song@lewisbrisbois.com)>; Danielle Creegan <[dc@theweinsteinigroup.net](mailto:dc@theweinsteinigroup.net)>

**Subject:** Re: The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash

EXTERNAL

Erin:

One point in the third paragraph of Mr. Verner's submission to the Court is his reference to previously meeting me, but he claims that he cannot recall the matter. I can remind him:

He failed to pay his accountants for services rendered and when my client was exhausted by his gamesmanship, my firm was retained to sue him for non-payment. He can tell you how the matter concluded. I will be sure to let the Court know how he and I previously met in the forthcoming letter motion.

Again, I urge your response to my prior correspondence.

Cordially,

Lloyd.

On Tue, Oct 8, 2024 at 4:21 PM Lloyd Weinstein <[ljw@theweinsteinigroup.net](mailto:ljw@theweinsteinigroup.net)> wrote:

Erin:

Thank you for responding.

Mr. Verner's curious filing just made notwithstanding, he fails to provide any evidence that those funds he claimed were his fees ever left the account. This important omission demonstrates that he is in clear violation of the Court's Order. If he would like to supplement his response now, I am ready to receive it. However, whatever he provides is late and deviates from the Court's clear instructions - both oral to Ms. Song - and written in its Order.

Again, I ask you to point me to the page(s) in the submission which shows Mr. Verner transferring **all of the** funds out of the IOLA account. Based upon my review, he has failed to do so which indicates the funds remain in the account.

Absent you showing me a page/pages to look at, my client will proceed as previously outlined.

Cordially,

Lloyd.

On Tue, Oct 8, 2024 at 3:59 PM O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)> wrote:

Hi Lloyd,

Mr. Verner prepared a detailed Trust Ledger with Declaration and the produced Well Fargo Banck records reflecting all account numbers and wire transfers to the Lambes. He further established that his attorneys' fees were depleted in January 2020 and any funds previously held were his attorneys' fees and Retainer Deposits for other litigation. It is clear, that he holds no funds belonging to Mr. Lambe or his companies and in fact Mr. Lambe owes him money.

The goal of this turnover action was to confirm whether any moneys were held by Mr. Verner. Mr. Verner's supplemental responses of yesterday establish just that -- nothing remains in escrow.

If something remains unclear as to the zero balance, please let me know.

Erin

**Erin O'Leary****Partner**[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)**T: 212.232.1408 F: 212.232.1399**[77 Water Street, 21st Floor, New York, NY 10005](#) | [LewisBrisbois.com](https://www.lewisbrisbois.com)**Representing clients from coast to coast. View our locations nationwide.****Mansfield Rule**  
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**From:** Lloyd Weinstein <[ljw@theweinsteingroup.net](mailto:ljw@theweinsteingroup.net)>**Sent:** Tuesday, October 8, 2024 2:58 PM**To:** Song, Grace <[Grace.Song@lewisbrisbois.com](mailto:Grace.Song@lewisbrisbois.com)>**Cc:** Danielle Creegan <[dc@theweinsteingroup.net](mailto:dc@theweinsteingroup.net)>; O'Leary, Erin <[Erin.OLeary@lewisbrisbois.com](mailto:Erin.OLeary@lewisbrisbois.com)>**Subject:** Re: The Law Offices of Erica T. Yitzhak et al v. Lambe; Case 2:24-cv-03552-RER-SIL; Respondent's Motion to Quash

EXTERNAL

Hello Erin:

I received this last-moment filing. Unless I am missing it, I do not see all of the funds transferred out of the account. If I am mistaken, will you show me where that is?

I am preparing my letter seeking contempt because of the non-compliance with the order, additionally seeking to recover fees, and I want to represent to the court exactly how much remains in escrow.

I would like to file with Judge Locke today if possible, so may I please hear back from you promptly.

Lloyd.

On Mon, Oct 7, 2024 at 11:43 PM Song, Grace <[Grace.Song@lewisbrisbois.com](mailto:Grace.Song@lewisbrisbois.com)> wrote:

Dear Lloyd,

Please see attached Respondent's Notice of Motion, Memorandum of Law to Quash Subpoena, declarations, and supporting exhibits. Please let us know if you have any issues viewing the attachments.

Sincerely,

Grace



**Grace Song**  
**Attorney**  
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**T: 646.666.7706 F: 212.232.1399**

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